IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 9526 of 2004

Between:

Chikka Thayamma, W/o.Uchanna, Hindu,
R/o. Hallikera Village, Hamlet of Inagaluru,
Agali Mandal, Anantapur District.

... PETITIONER

AND

1 The District Collector, Anantapur District,
Anantapur - 515 001.
2 The Mandal Revenue Officer,
Agali Mandal, Anantapur District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction declaring the action of the 2nd respondent in issuing the notices to the petitioner and others in respect of Survey No. 248-1 and confusing the issue to delay the matter as arbitrary and illegal and further direct the respondents to conduct enquiry with regard to Survey No. 248-2 admeasuring Acres 5-20 cents situated at Inagaluru village, Agali Mandal, Anantapur District and issue Pattadar Pass Book and Title Deeds to the petitioner and her sister Smt. Laxmamma.

Counsel for the Petitioner:MR.T.P.ACHARYA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORDER:

The petitioner herein gave an application to the second respondent-Mandal Revenue Officer, complaining and claiming rights in respect of the land in Sy.No.248-2 of Hallikera village, H/o.Inagaluru village in Anantapur District. Initiating action therein, the second respondent served a notice of enquiry on the petitioner and six others, requiring them to appear before him on 28.10.2003 for recording their statements. Aggrieved by the same, the petitioner filed the present writ petition contending that she claimed the land in Sy.No.248-2, but the Mandal Revenue Officer initiated enquiry in relation to Sy.No.248-1. Even if the allegation made by the petitioner is true, nothing prevents her to appear before the Mandal Revenue Officer with necessary evidence and give a statement to that effect. Straight away she approached this Court, raising various disputed questions of fact, which cannot be adjudicated in these proceedings.

Liberty is given to the petitioner to appear before the Mandal Revenue Officer with a copy of this order, whereupon, the Mandal Revenue Officer shall record her statement, and if he comes to the conclusion that the petitioner is claiming the land in Sy.No.248-2, admeasuring Acs.5-20 cents, the Mandal Revenue Officer is given liberty to take action accordingly. In this writ petition, no relief can be granted as prayed for.

The writ petition, with the above observations, is dismissed. No costs.

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(V.V.S.RAO, J)

12th October, 2004.

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To

1) The District Collector, Anantapur District,

Anantapur - 515 001.

2) The Mandal Revenue Officer,
Agali Mandal, Anantapur District.

3) Two C.Cs to the Govt.Pleader for Revenue,

High Court buildings, Hyderabad (OUT)

4) Two C.D. copies.